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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,115	12/19/2001	Li Shu	DPL-025	5689

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EXAMINER	
ZAND, KAMBIZ	

ART UNIT	PAPER NUMBER
2132	

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/025,115	SHU ET AL.	
	Examiner	Art Unit	
	Kambiz Zand	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 December 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *26 March 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Kambiz Zand

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *03/01/02&12/23/02*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. **Claims 1-16** have been examined.

Information Disclosure Statement PTO-1449

2. The Information Disclosure Statement submitted by applicant on 03/01/2002 & 12/23/2002 have been considered. Please see attached PTO-1449.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-14** are rejected under 35 U.S.C. 102(e) as being anticipated by Holden et al (6,067,620 A).

As per claims 1 and 5 Holden et al (6,067,620 A) teach an apparatus, a method for transmitting a file, comprising: a file splitter that splits the file into a plurality of message segments (see col.10, lines 50-51 where the data gram corresponds to applicant's file

or message; and where the packets corresponds to applicant's message segments where each message corresponds to a packet), each message segment including an address of the destination (see col.20, lines 9-15); and a file encapsulator that encapsulates at least one of the plurality of message segments to conceal the address of the destination during transmission of at least one encapsulated message segment (see col.10, lines 33-36) to one or more trusted nodes for retransmission by the one or more trusted nodes toward the destination for reassembly of the file at the destination (see col.10, lines 52-67 where either in the intermediate or final destination the act of reassembly is being performed and where the intermediary or final destinations corresponds to Holden's trusted nodes).

As per claims 2 and 6 Holden et al (6,067,620 A) teach the apparatus, method of claims 1 and 3 respectively wherein the file splitter comprises a file converter that converts the file into N message segments that enable reassembly of the file from a subset of any M of the message segments, where N and M are positive integers, and N>M 1 (see col.10, lines 50-51; and the function where N is greater than M greater than or equal to one is inherent part of splitting an item into one or more segment; example: if M represent a message and N represent the message after the splitting, it is inherent that N may equal to M if M was splitted into one segment or N may be greater than M if it has been splitted into more than one segment).

As per claim 3 *Holden et al (6,067,620 A) teach the apparatus of claim 1 wherein a single processor includes the file splitter and the file encapsulator (see col.10, lines 31-51 and where it is done within one system of a processor).*

As per claims 4 and 10 *Holden et al (6,067,620 A) teach the apparatus of claims 1 and 5 further comprising a file encoder that encodes the file prior to splitting of the file by the file splitter (see col.10, lines 41-43).*

As per claim 7 *Holden et al (6,067,620 A) teach the method of claim 6 wherein the step of causing retransmission comprises causing splitting of the at least one message segment into N.sub.2 message segments that enable reassembly of the at least one message segment from a subset of any M.sub.2 of the N.sub.2 message segments, where N.sub.2 and M.sub.2 are positive integers and N.sub.2>M.sub.2 .gtoreq.1; and causing transmission of at least M.sub.2 of the N.sub.2 message segments toward the destination for reassembly of the at least one message segment prior to reassembly of the file (as applied to claims 2 and 6 where the m2 or n2 are names for reassembly of the original message m and its subset n, reassembly also follows the same order where the subset n2 reassemble until it is equal to message itself).*

As per claim 8 *Holden et al (6,067,620 A) teach the method of claim 6 wherein the step of causing retransmission comprises the step of transmitting at least M of the N message segments to the destination for reassembly of the file after at least M of the N*

message segments arrive at the destination (see col.10 where in order to reassemble the message segments has to arrived at the destination and where if one segment message has been transmitted then at least that segment which represent at least M is reassembled).

As per claim 9 *Holden et al (6,067,620 A) teach the method of claim 5 wherein the step of transmitting comprises the step of transmitting more than one message segment via multiple pathways of a communications network (see col.10; fig.1 and associated text).*

As per claim 11 *Holden et al (6,067,620 A) teach the method of claim 10 wherein the step of encoding the file comprises the step of enciphering the file (see 10, lines 41-44).*

As per claim 12 *Holden et al (6,067,620 A) teach the method of claim 5 wherein the step of encapsulating at least one of the plurality of message segments comprises the step of enciphering the at least one of the plurality of message segments (see col.10, lines 41-44).*

As per claim 13 *Holden et al (6,067,620 A) teach the method of claim 5 wherein the step of encapsulating at least one of the plurality of message segments comprises the step of adding forwarding instructions to at least one of the plurality of message segments to instruct a receiving one of the plurality of trusted nodes to forward at least one of the plurality of message segments toward the destination (see col.10, lines 52-65*

where the intermediary would forward it to the destination).

As per claim 14 *Holden et al (6,067,620 A) teach the method of claim 5 wherein the step of encapsulating at least one of the plurality of message segments comprises the step of addressing each one of the plurality of message segments to one of the plurality of trusted nodes (see col.10 and all other col. that represent encapsulation of the message).*

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) patent may not be obtained though the invention is not identically disclose or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. **Claims 15 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Holden et al (6,067,620 A).

As per claim 15 Holden et al (6,067,620 A) teach all limitation of the claims including splitting the message into different segments as outlined in col.10, lines 50-51. however Holden is not explicitly disclose if more splitting of the splitted message segment is being performed. However it would have been obvious to one of ordinary skilled in the

art at the time the invention was made to repeat the same process of broking the segments into different packets in order to facilitate the transmission of the packets through different nodes (see col.10).

As per claim 16 Holden et al (6,067,620 A) teach the method of claim 15 further comprising the steps of causing reassembly of the at least one message segment; and causing transmission of the at least one reassembled message segment toward the receiver (see col.10).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Please see enclosed PTO-892.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Zand whose telephone number is (571) 272-3811. The examiner can normally reached on Monday-Thursday (8:00-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone numbers for the organization where this application or proceeding is assigned as (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR

or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kambiz Zand

09/01/2005

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